

## REMARKS

Provisional Application 60/134,110 entitled "Method for Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed on May 14, 1999 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc. A copy of the filing receipt of Provisional Application 60/134,110 accompanies this Petition.

Non-provisional United States Patent Application 09/571,084 entitled "Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed May 15, 2000 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc. One of the documents filed in response to the Notice to File Missing Parts in that application was a VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL-ENTITY STATUS (37 CFR 1.9(c-f) and 1.27 (b-d) naming the above-named provisional application 60/134,110. A copy of the documents filed in response to the Notice to File Missing Parts is enclosed.

Non-provisional United States Patent Application 09/571,084 is entitled to claim priority to provisional application 60/134,110 since application 09/571,084 has the same inventor and subject matter as that provisional application, and was filed on the first working day (May 15, 2000) following the one-year anniversary of the filing date (May 14, 1999) of provisional application 60/134,110. Enclosed is a copy of a calendar for May 2000 showing that May 14, 2000 was a Sunday and that May 15, 2000 was a Monday, the first working day following May 14, 2000.

The present application, which is a continuation of application 09/571,084 (filed on Monday, May 15, 2000), is entitled to claim the benefit of provisional application 60/134,110 filed on May 14, 1999, since the parent application is entitled to the benefit of that provisional application, since the inventor of the non-provisional application is the inventor of the provisional application, there is common subject matter in both applications, and the parent non-provisional application was filed on the first business day after the one-year anniversary of the filing date of the provisional application.

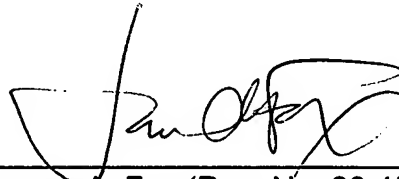
Enclosed is a copy of a Petition to Accept an Unintentionally Delayed Priority Claim Under 37 CFR 1.119(e) which is being filed concurrently with this Amendment.

### **CONCLUSION**

Entry of the amendment, and consideration and allowance of the pending claims is requested.

Although no fee is believed to be due, the Commissioner is authorized to charge (or credit any overpayment) deposit account No. 08-1641 referencing Attorney Docket No. 99999-0208 in payment for the fees due for this Amendment.

Respectfully submitted,



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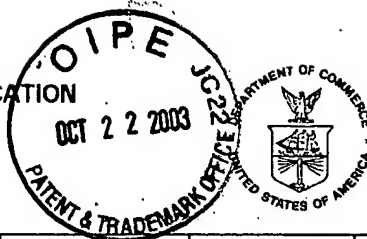
James A. Fox (Reg. No. 38,455)

Date: October 22, 2003

**HELLER EHRMAN WHITE & McAULIFFE LLP**

275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

PROVISIONAL APPLICATION  
FILING RECEIPT  
CORRECTED



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
60/134,110	05/14/99		\$100.00	25527-0001	3		

HELLER EHRMAN WHITE AND MCAULIFFE  
525 UNIVERSITY AVENUE  
PALO ALTO CA 94301-1900

RECEIVED

JAN 24 2000

H.E.W.M.-P.A.

RECEIVED  
OCT 29 2003  
TECH CENTER 1600/2900

Receipt is acknowledged of this Provisional Application. This Provisional Application will not be examined for patentability. Be sure to provide the PROVISIONAL APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Provisional Application Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate). This Provisional Application will automatically be abandoned twelve (12) months after its filing date and will not be subject to revival to restore it to pending status beyond a date which is after twelve (12) months from its filing date.

Applicant(s) JAMIE RAMIREZ-VICK, BERKELEY, CA.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 06/14/99 \*\* SMALL ENTITY \*\*  
TITLE  
METHOD FOR REVERSIBLE BINDING OF MOLECULES TO METAL SUBSTRATES  
THROUGH AFFINITY INTERACTIONS

HEWM-SILICON VALLEY  
PATENT DOCKETING

JAN 24 2000

DATABASE ENTRY

BY: 

B. Schmonsees/dkm

DATA ENTRY BY: MCCRAY, DUANE

TEAM: 05 DATE: 01/10/00



(See reverse for new important information)

RECEIVED BY THE U.S. PATENT AND TRADEMARK OFFICE:

File No. / Attorney 25527-0001 WS/SCH

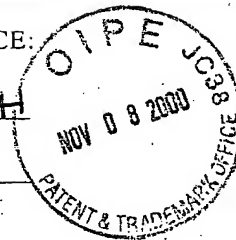
Application No. 09/571,084

Date Mailed Nov 2, 2000

Documents Notice to File Missing Parts (Part 2)

SIGNED DECLARATION & POWER OF ATTORNEY

SMALL ENTITY STATEMENT





## FORMALITIES LETTER



\*OC000000005289784\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/571,084	05/15/2000	James E. Ramirez-Vick	25527-0001

William Schmonsees  
Heller Ehrman White & McAuliffe  
525 University Avenue  
Palo Alto, CA 94301-1900

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Date Mailed: 08/02/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 480 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 610.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

NOV 8 - 2000

HEWM LLP - P.A.



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of  
Ramirez-VickFor: REVERSIBLE BINDING OF MOLECULES  
TO METAL SUBSTRATES THROUGH  
AFFINITY INTERACTIONS

Serial No.: 09/571,084

Filed: May 15, 2000

Docket No.: 25527-0001

Examiner: Not Assigned

Group Art Unit: 1643

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION

RECEIVED

OCT 29 2003

TECH CENTER 1600/2900

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

1. In response to the Notice to File Missing Parts of Application *Filing Date Granted* mailed on August 2, 2000, transmitted herewith are the following:

- ☒ Part 2 of the Notice;  
☒ Declaration and Power of Attorney (signed)  
☒ Return Receipt Postcards.

2. Filing Fee Calculation

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Fee	201				\$ 355
Independent Claims	102	2 - 3=	0 x	\$80=	\$ 0
Total Claims	103	11 - 20=	0 x	\$18=	\$ 0

Filing Fee ..... \$ 355

3. Applicants hereby request an extension of time for  
one months from 10/2/00 to 11/2/00. Fee Code 215..... \$ 55

4. Additional Fees: Missing Parts Surcharge Fee Code 205..... \$ 65

Total Fees Due..... \$475

5. Payment of Fees.

- ☒ Please charge the total fees due in the amount of \$475 to Deposit Account No. 08-1641, referencing Atty. Docket No. 25527-0001. A duplicate copy of this sheet is enclosed.  
☒ The Commissioner is hereby authorized to charge any additional fees and to credit any overpayment of fees which may be required in this application under 37 CFR §1.16 and §1.17, to Deposit Account No. 08-1641, referencing Atty. Docket No. 25527-0001.

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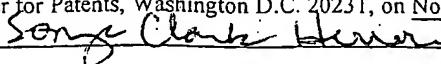
Heller Ehrman White & McAuliffe LLP  
525 University Avenue, Suite 1100  
Palo Alto, CA 94301-1900  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

Respectfully submitted,

By: William Schmonsees  
Reg. No. 31,796

## CERTIFICATE OF MAILING PURSUANT TO 37 CFR §1.8

I hereby certify that this paper is being deposited in the USPS as first class mail, postage prepaid, addressed to BOX MISSING PARTS,  
Assistant Commissioner for Patents, Washington D.C. 20231, on November 2, 2000, in Palo Alto, CA.



As the below named inventor, I hereby declare as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**REVERSIBLE BINDING OF MOLECULES TO METAL SUBSTRATES  
THROUGH AFFINITY INTERACTIONS**

the Application of which was filed in the United States Patent and Trademark office on May 15, 2000, and assigned application Serial No. 09/571,084.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information of which I am aware that is material to the examination of this application in accordance with 37 CFR 1.56(a).

I do not know and do not believe: that this invention was ever known or used in the United States of America before my invention thereof; that this invention was patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application; that this invention was in public use or on sale in the United States of America more than one year prior to this application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I hereby appoint the following to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

William B. Anderson, Reg. No. 41,595  
Victoria L. Boyd, Reg. No. 43,510  
Y. Ping Chow, Reg. No. 30,740  
James A. Fox, Reg. No. 38,455  
Derek P. Freyberg, Reg. No. 29,250  
Walter Kurz, Reg. No. 37,373  
Edward Lynch, Reg. No. 24,422  
Priscilla H. Mark, Reg. No. 41,970

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**NOV 8 - 2000**

**HEWM LLP - P.A.**

DECLARATION AND  
POWER OF ATTORNEY

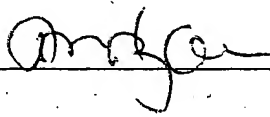
Attorney Docket No. 25527-0001

William Schmonsees, Reg. No. 31,796  
Soodabeh Tronson, Reg. No. 41,354  
Herwig von Morzé, Reg. No. 29,484

Please direct all communications to:

William Schmonsees  
Heller Ehrman White & McAuliffe LLP  
525 University Avenue  
Palo Alto, CA 94301-1900  
Direct Dial: (650) 324-7041  
Facsimile: (650) 324-0638

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

SOLE INVENTOR	INVENTOR'S SIGNATURE	DATE
Jaime E. Ramirez-Vick		10-30-2000
RESIDENCE		CITIZENSHIP
Berkeley, California		United States of America
POST OFFICE ADDRESS		
2010 Channing Way #3		
Berkeley, CA 94704		

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PATENTS



Attorney Docket No. 25527-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[ X ] In re Application of: Jaime E. Ramirez-Vick

Application No: 60/134,110

Group Art Unit: Not assigned

Filed: May 14, 1999

Examiner: Not assigned

For:\* Method for Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions

*\*Note: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))

With respect to the invention described in

[ ] the specification filed herewith.

[ X ] application no. 60/134,110, filed May 14, 1999.

[ ] patent no. \_\_\_\_\_, issued \_\_\_\_\_

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS

RECEIVED

NOV 8 - 2000

HEWM LLP - P.A.

I hereby declare that I am a  
Small Business Concern

[ ] the owner of the small business concern identified below:

[ X ] an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Iris BioTechnologies, Inc.

ADDRESS OF CONCERN 5201 Great America Pkwy., Suite 320

Santa Clara, CA 95054

and

that the above identified small business concern qualified as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Verified Statement (Declaration) Claiming Small Entity Status  
Application No. 60/134,110

Attorney Docket No. 25527-0001  
Page 2

## II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

☐ person

☐ concern

☒ organization

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

☒ no such person, concern, or organization

☐ person, concerns or organizations listed below\*

## III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

## IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

*NOTE: The title of the person signing on behalf of a concern or nonprofit organization should be specified.*

NAME OF PERSON SIGNING Simon Chin

TITLE OF PERSON President

(if signing on behalf of a concern or non-profit organization)

ADDRESS OF PERSON SIGNING Iris BioTechnologies, Inc., 5201 Great America Pkwy.,

Suite 320, Santa Clara, CA 95054


SIGNATURE

Simon A. M. Chin

DATE

9/7/99

Respectfully submitted,



William Schmonsees  
Attorney for Applicants  
Reg. No. 31,796

Date: 9/16/99

Heller Ehrman White & McAuliffe  
525 University Avenue  
Palo Alto, CA 94301-1900  
(650) 324-7041

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.PA

(3#5Y011.DOC)

# May 2000

May 2000							June 2000						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
May 1	2	3	4	5	6
8	9	10	11	12	13
15	16	17	18	19	20
22	23	24	25	26	27
29	30	31			28
					21
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